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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,289	06/28/2002	Charles Edward Kuhlmann	RAL920010029	4433
25299	7590	06/28/2005		
IBM CORPORATION PO BOX 12195 DEPT YXSA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER LEVINE, ADAM L	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,289

Applicant(s)

KUHLMANN ET AL.

Examiner

Adam Levine

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant has filed a courtesy copy of currently pending claims. No Amendments were made to the claims in the Response filed March 22, 2005. Claims 1-13 and 15-20 are currently pending and have been examined in this NON-FINAL Office Action.

Response to Arguments

Applicant's arguments with respect to claims 1-13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong (US Patent No. 6,115,690).

Wong teaches all the limitations of Claims 1-13 and 15-20. For example, Wong discloses systems and methods of optimizing a product order where the product includes at least one customer-selectable component, comprising the steps of receiving the product order, determining component information of the at least one customer-selectable component included in the product of the received product order, the component information including component availability in real-time by querying a manufacturer system and in response to a component being unavailable at the manufacturer, querying at least one supplier system in real time that can supply the component to the manufacturer, and offering the customer at least one order option in real time based on a result of the determination (see at least column 4 lines 7-52, column 15 lines 30-49, Fig. 24). Wong further discloses:

- component information including cost of alternative component, delivery lag time to manufacturer if product is only available from a supplier, and product delivery lag time and cost for different manufacturing sites: (see at least column 13 lines 45-59, Figs. 7A-7C, 24-38).
- at least one option is selected from between offering the customer an alternate component, removing a component from the order, selecting a manufacturing site, and ignoring the at least one option: (see at least column 13 lines 45-59, column 14 line 61-column 15 line 8, Figs. 7A-7C, 13, 27).

- determining an appropriate supplier that can fulfill an order for a component that is unavailable at the manufacturer, and placing an order for the unavailable component with a system of the appropriate supplier (column 19 lines 25-47, column 25 lines 27-37, Fig. 62).
- scheduling at least one of a product delivery schedule and a component delivery schedule with a shipper system (see at least column 16 line 61 – column 17 line 20, Figs. 23, 64, 67).
- allowing the customer to choose an available manufacturing site based on at least one site factor: where site factor could be cost, component selected, proximity of required supplier to manufacturing site, proximity of manufacturing site to customer ship-to location, manufacturing site capacity, and existing component inventory at manufacturing site (see at least column 14 line 61-column 15 line 13, Figs. 7A-7C, 13, 27); confirming customer produce fulfillment conditions, supplier order and ship information, or shipper scheduling (see at least column 13 line 60 – column 14 line 15, column 24 lines 3-15, Figs. 7-9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Peterson, US Patent No. 6,324,522 (Nov. 27, 2001). An electronic information network for inventory control and transfer. Teaches a process for

distributing items, including parts and supplies, including communication between multiple vendors to supply various parts by and between vendors as needed and available.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571.272.7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Adam Levine
Patent Examiner
June 21, 2005